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PROPOSED GENERAL ORDER 96-B

General Rules Governing Advice Letters and Information-only Filings

1. Overview of the General Order

1.1 Structure; ~~and Purpose;~~ Applicability

This General Order ~~establishes~~ contains General Rules and Industry Rules. The General Rules governing all informal matters (advice letters and information-only filings) submitted to the Commission by public utilities that are gas, electric, ~~telecommunication~~ telephone, water, sewer system, pipeline, ~~and or~~ heat ~~utilities~~ corporations, as defined in the Public Utilities Code.

The ~~three appendixes to this General Order establish~~ Industry Rules ~~of~~ have limited applicability. The Energy Industry Rules apply to gas, electric, pipeline, and heat corporations. The Telecommunications Industry Rules apply to telephone corporations. The Water and Sewer System Industry Rules apply to water and sewer system corporations. Within their respective industries, For example, the Industry Rules may create rules specific to a particular type of utility or advice letter. Also, for purposes of advice letter review, the Industry Rules will contain two or more tiers that will distinguish, for the respective Industry Divisions, between those kinds of advice letters subject to disposition under General Rule 7.6.1 (Industry Division disposition) and those subject to disposition under General Rule 7.6.2 (disposition by resolution). The Industry Rules may contain additional tiers as needed for efficient advice letter review or implementation of a statute or Commission order.

The Industry Rules reflect the different needs and conditions within the specified utility industries and segments of those industries, especially as competition develops regarding some services formerly provided by utility monopolies. The respective Industry Rules may differ from each other, and may make distinctions within the covered industry, so long as these differences are consistent with these General Rules. An Industry Rule may differ from the otherwise applicable General Rule to the extent authorized by General Rule or other Commission order.

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~~Taken together, the General Rules and the Industry Rules govern all informal matters submitted to the Commission by the specified utilities. The provisions of this General Order govern only those informal matters submitted for filing on or after July 1, 2001. However, the Commission at any time may require a utility to revise all or a part of its tariffs to conform with this General Order.~~

1.2 Utilities Operating in Different Utility Industries

If a utility provides ~~utility~~ services within two or more of the covered industries (Energy, Telecommunications, Water), the utility shall comply with each of the Industry Rules applicable to the respective services, ~~unless the Commission has authorized the utility to file combined tariffs or advice letters. In addition, if a utility provides two or more types of utility service covered in this General Order (electric, natural gas, heat, pipeline; telephone; water, sewer system), the utility shall comply with the requirements of General Rules 8 to 8.5.8 by means of separate tariffs for each type of utility service provided.~~

1.3 Construction; Waiver or Variance

The General Rules and Industry Rules shall be liberally construed to secure just, speedy, and inexpensive handling of informal matters, as set forth in this General Order. The Commission in a specific instance may authorize an exception to the operation of this General Order where appropriate. In a special specific instances and for good cause, the Director of the appropriate Industry Division may (1) shorten the protest and reply period under the General Rules, and (2) waive or vary a any of the procedural requirements of the Industry Rules.

1.4 Amendments

Each Industry Division's Industry Rules may be amended independently of these General Rules or the Industry Rules of the other Industry Divisions. Conforming amendments to this General Order may be issued by the Commission's Executive Director as needed to ensure consistency with applicable statutes and Commission orders; all other amendments will be adopted by Commission order following notice and an opportunity to comment on the proposed amendments. All amendments and the complete text of this General Order will be published at the Commission's Internet site.

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1.5 Computation of Time

When the General Rules or Industry Rules set a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day does not fall on a business day, the time limit is extended to include the first business day thereafter.

2. Code of Ethics

Rule 1 (“Code of Ethics”) of the Commission’s Rules of Practice and Procedure (California Code of Regulations, Title 20, Division 1, Chapter 1) shall apply to all matters governed by this General Order.

3. Definitions

The definitions apply to the following terms when used in the General Rules and the Industry Rules. Unless otherwise required by context, use of the singular includes the plural.

3.1 Advice Letter

“Advice Letter” means an informal request by a utility for Commission approval, authorization, or other relief, including an informal request by a utility for approval of a deviation. See also General Rules 5.1 to 5.3.

3.2 Daily Calendar; **Date of Filing**

“Daily Calendar” means the Daily Calendar published by the Commission. “Date of Filing,” when referring to an advice letter, means the day when the reviewing Industry Division reports the advice letter in the Daily Calendar.

3.3 Day; Business Day

“Day” means a calendar day. “Business Day” means a calendar day except for Saturdays, Sundays, and weekdays when the Commission’s offices are closed, due either to a State holiday or to an unscheduled closure (e.g., an emergency or

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natural disaster). The Daily Calendar will include a list of State holidays for the current fiscal year and a list for the following fiscal year as soon as such list is available.

3.4 Deviation

“Deviation” means ~~T~~the furnishing by a utility of any ~~utility~~ service at rates or under conditions other than the rates and conditions contained in its tariffs then in effect.

3.5 Disposition

“Disposition” refers to the grant or rejection (including modification) of the relief requested in an advice letter. The disposition of an advice letter will be by resolution adopted by the Commission, except for (1) an advice letter rejected without prejudice pursuant to General Rule 5.4, or (2) an advice letter that is subject to disposition by Industry Division pursuant to General Rule 7.6.1.

3.6 Effective Pending Disposition

“Effective pending disposition” refers to a procedure under General Rule 8.2.3 and the appropriate Industry Rules whereby the utility submitting-filing an advice letter implements the actions or tariff changes set forth in the advice letter prior to its disposition pursuant to this General Order. A utility submitting an advice letter under this procedure ~~The filer of an advice letter proposing such implementation~~ shall prominently designate the advice letter as “effective pending disposition.”

3.7 Formal; Informal

“Formal” refers to a proceeding initiated by an application, complaint, petition, order instituting investigation, or rulemaking, or ~~proceeding initiated by~~ order to show cause. “Informal” refers to an advice letter or other matter submitted to the Commission outside a formal proceeding at the Commission. An informal matter is ~~an uncontested matter; or if the matter becomes contested,~~ either an uncontested matter or a matter for which a hearing ~~in the matter~~ is not required in order to resolve the contested issues. See also General Rules 5.1, and 5.2.

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3.8 Industry Division

“Industry Division” means the Energy, Telecommunications, or Water Division, [or their successors](#).

3.9 Information-only Filing

“Information-only Filing” means an informal report, required by statute or Commission order, that is submitted by a utility to the Commission, but that is not submitted in connection with a request for Commission approval, authorization, or other relief. “Information-only Filing” includes both periodic and occasional reports.

3.10 Person

“Person” refers both to ~~entities and~~ natural persons [and to entities including, without limitation, companies, corporations, partnerships, associations, and sole proprietorships](#).

3.11 Protest

“Protest” means a ~~document filing~~ that objects in whole or in part to the relief requested in an advice letter, and that contains at least the following information:

- (1) Specification of the advice letter being protested;
- (2) Grounds for the protest;
- (3) Supporting factual information or legal argument;
- (4) Name, telephone number, postal address, and (where appropriate) FAX number or e-mail address of the protestant; and
- (5) Statement that the protest was sent to the ~~utility advice letter filer~~ no later than the date on which the protest was submitted to the Industry Division reviewing the advice letter.

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3.12 Reply

“Reply” means a document ~~filing~~ containing a utility’s ~~an advice letter~~ ~~filer’s~~ reaction to any protest or response to the utility’s advice letter.

3.13 Response

“Response” means a document, submitted by a third party, ~~filing that does not object to the relief sought in that is not a protest to~~ an advice letter but that ~~contains~~ is served on the utility submitting the advice letter and provides information ~~the person submitting the response believes that~~ would be useful in the review and disposition of the advice letter, or would show an omission or other defect in an information-only filing.

3.14 Service

“Service,” when referring ~~used with reference~~ to sending a document, means mailing or delivering the document, or transmitting it by facsimile transmission, ~~FAX~~, modem, or other electronic means, as provided in Rule 2.3(a) and (b) of the Commission’s Rules of Practice and Procedure.

Except when referring to sending a document, “service” means the service performed for, or product delivered to, the public or portion of the public, by a utility.

3.15 Tariffs

“Tariffs” refer collectively to the sheets ~~rates, tolls, rentals, charges, classifications, special conditions, and rules~~ that a utility must file, ~~or~~ maintain, and publish as directed by the Commission, and that set forth the terms and conditions of the utility’s services to its customers; “tariffs” may also refer to the rates, tolls, rentals, charges, classifications, special conditions, and rules set forth therein.

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3.16 Utility

“Utility” means a public utility that, as defined in the Public Utilities Code, is a gas, electric, ~~telecommunication~~telephone, water, sewer system, pipeline, or heat utility corporation. The Industry Rules may define “utility” more narrowly.

4. Notice, Access, and Filing Procedures Generally

4.1 Commission Policies

The Commission intends that all interested persons have the opportunity, through timely and efficient means, (1) to inspect a utility’s tariffs, ~~and~~ (2) to get notice of advice letter and information-only filings, (3) to get access to public records regarding such ~~documents~~filings, and (4) to find information on the status of any particular advice letter, including associated supplements, protests, replies, or appeals, and the disposition of the advice letter.

Consistent with this intent, (1) the Daily Calendar will report ~~information-only filings~~, advice letters, and associated ~~documents~~filings, ~~and advice letter dispositions~~, and (2) the Commission ~~will~~ encourages use of the Internet to ~~make available electronically searchable copies of currently effective tariffs, and to~~ provide notice of events and access to advice letters and related documents. ~~related to advice letters.~~ The Commission will also tabulate advice letter dispositions and periodic information-only filings at its Internet site. See also General Rules 8.1 to 8.1.3.

The utilities and Industry Divisions shall use the Internet to the greatest extent feasible for exchange of information and service of documents. The utilities and Industry Divisions shall maintain and publicize e-mail addresses for these purposes.

4.2 Customer Notices

Unless ~~no notice or~~ a shorter notice period is authorized by statute or Industry Rule or other Commission order, ~~a utility the advice letter filer~~ shall give affected customers at least 30 days notice before the effective date of an advice letter requesting higher ~~increased~~ rates or charges, or more restrictive

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terms or conditions, than those currently in effect. This notice requirement may be satisfied by one or a combination of the following: bill inserts; notices printed on bills; or separate notices sent by first-class mail. Where authorized by the appropriate Industry Rules, the notice requirement may also be satisfied by notices printed in a newspaper of general circulation.

~~Where a utility has given notice as required in the above paragraph, and the Commission adopts changes in the utility's rates, charges, terms, or conditions, that differ materially from those requested by the utility and published in its notice, the appropriate Industry Division may require the utility to give affected customers notice, as described above, before the effective date of the advice letter submitted to implement the changes adopted by the Commission.~~

4.3 Maintaining Advice Letter Service Lists

Each utility shall maintain at least one advice letter service list, which shall include the postal and e-mail address, as appropriate, of all persons on the list. To the extent practical, the utility shall maintain separate lists for different types of advice letters (for example, differentiating between water utility districts, customer classes, or particular services), so that persons may request and receive only those advice letters of interest. The utility shall include on the requested service list any person that requests such inclusion, and may periodically confirm the desire of any currently listed person to remain on the list. On or before the date when the utility submits an advice letter for filing, it shall serve the advice letter without charge on all persons listed for that type of advice letter.

4.4 Serving Documents by Internet

For purposes of this General Order, any person may accept service by Internet. A person indicates acceptance of such service by submitting an e-mail address along with a postal address to the utility, Industry Division, or third party serving a document on the person. Notwithstanding such acceptance, the utility, Industry Division, or third party shall make paper service (including service by first-class mail, personal delivery, or facsimile transmission) immediately whenever service by Internet is unsuccessful.

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4.5 Filing Format and Procedures; Automatic Extension of Filing Deadlines

For purposes of this General Order, documents shall be submitted for filing as provided in ~~this~~these General ~~Order~~Rules and the Industry Rules. The format of such documents shall be as provided by Rule 2 of the Commission's Rules of Practice and Procedure, except that the format of tariffs shall be as provided in these General Rules and the appropriate Industry Rules.

When a ~~filing~~deadline, ~~as calculated under for~~ -submitting a document pursuant to this General Order ~~or the Industry Rules~~, does not fall on a business day, the deadline is automatically extended to the next business day. ~~When an unscheduled closure of the Commission's offices occurs due to emergency, natural disaster, or any reason other than a weekend or State holiday, a document otherwise due on the day of the unscheduled closure shall be deemed timely if submitted for filing on the next business day following the unscheduled closure.~~

5. Use of Advice Letters

5.1 Matters Appropriate to Advice Letters

The advice letter process provides a quick and simplified review of the types of utility requests that are expected neither to be ~~non~~controversial, nor to raise ~~no~~ important policy questions. The advice letter process does not provide for an evidentiary hearing; a matter that requires an evidentiary hearing may be considered only in a formal proceeding. See General Rules 5.2, 5.4. and do not require the rigorous review through a hearing or other evidentiary process provided by a formal proceeding.

The primary use of the advice letter process is to review a utility's request to change its tariffs in a manner previously authorized by statute or Commission order, to conform the tariffs to the requirements of a statute or Commission order, or to get Commission authorization to deviate from its tariffs. A utility may also request relief by means of an advice letter where the utility:

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- (1) has been authorized or required, by statute, by this General Order, or by other Commission order, to seek the requested relief by means of an advice letter; or
- ~~(2) seeks Commission approval of a proposed action that the utility reasonably believes is appropriate for review through the advice letter process (as described above), and is (i) dictated by statute or Commission order, or (ii) authorized or required, by statute or Commission order, with sufficient specificity that the proposed action involves a relatively narrow exercise of discretion by the utility.~~
- ~~(3)~~(2) requests modification of a Commission resolution addressing a prior advice letter of the utility. See General Rule 7.2. To request an extension of time to comply with such a resolution, see General Rule 7.8.

A utility may seek a rate increase by means of an advice letter only ~~where such advice letter is if use of an advice letter for this purpose is~~ authorized by statute or Commission order, ~~or where the rate increase is minor. For purposes of this General Rule, a rate increase is minor if it _____.~~

5.2 Matters Appropriate to Formal Proceedings

A utility shall ~~submit make~~ an application, application for rehearing, or petition for modification, as ~~or other~~ appropriate, ~~formal request for relief~~ in the following circumstances:

- (1) The utility requests modification of a decision issued in a formal proceeding or otherwise seeks relief that the Commission can grant only after holding an evidentiary hearing, or by decision rendered in a formal proceeding; ~~or~~
- (2) The utility seeks Commission approval of a proposed action that the utility has not been authorized, by statute, by this General Order, or by other Commission order, to seek by advice letter; or

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(3) The utility seeks to challenge a Commission resolution addressing an advice letter submitted by the utility.

~~Except as provided in General Rule 5.1, a utility may seek a rate increase only by means of a formal application.~~

5.3 Changes to Tariffs

~~Changes to tariffs shall be requested by means of advice letter or formal proceeding.~~

Except as provided in General Rule 5.1, a utility may seek approval of a rate increase or other change to its tariffs only by means of an application.

5.4 Withdrawal; Rejection Without Prejudice

Before disposition of an advice letter, but no later than the date of issuance, for public review and comment, of a draft resolution (if any) that would grant or reject the advice letter, a utility may withdraw its advice letter without prejudice, at any time prior to disposition, except that an advice letter that is effective pending disposition may not be withdrawn on or after the effective date, designated in the advice letter. The withdrawal shall bear the same identifying number as the advice letter and shall be submitted in the same manner and served on the same persons as the advice letter.

Whenever the reviewing Industry Division ~~reviewing an advice letter~~ determines that the relief requested or the issues raised by ~~the~~ advice letter require a hearing, or otherwise require review in a formal proceeding, the Industry Division ~~will shall~~ reject the advice letter without prejudice.

The ~~utility advice letter filer~~ may resubmit, as an application or other appropriate formal request for relief, an advice letter that it has withdrawn, pursuant to this General Rule, or that is rejected without prejudice, ~~pursuant to this General Rule on the grounds that the advice letter must be heard or reviewed in a formal proceeding.~~

The reviewing Industry Division will also reject without prejudice an advice letter that violates applicable Industry Rules in the following instances:

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- (1) The utility has improperly designated the advice letter as effective pending disposition; or
- (2) The utility has improperly designated the advice letter as subject to Industry Division disposition.

In these instances, the utility may submit a new advice letter with corrections as specified by the Industry Division. However, implementation of an advice letter designated as effective pending disposition, if the advice letter is rejected without prejudice, shall cease immediately upon such rejection, and may not resume unless and until such implementation is duly approved pursuant to this General Order.

5.5 Advice Letter Cover Sheet

A utility submitting an advice letter for filing must include with its advice letter a cover sheet, which shall be in such form as the pertinent Industry Rules may provide, and which shall summarize the contents of the advice letter, as follows:

- (1) Utility-designated tier of review (together with citation to the Industry Rule relied on) and requested effective date (together with citation to the General Rule relied on (see General Rule 7.3.1 to 7.3.5));
- (2) Service affected by the advice letter;
- (3) Category of affected service (where applicable);
- (4) Proposed change to existing service (where applicable);
- (5) Percent impact of proposed change on current rates or charges for affected service (where applicable);
- (6) Citation to Commission orders and to Public Utilities Code or other statutory provisions related to the substance of the advice letter;
- (7) Reference to the utility's other pending advice letters that relate to the same tariffs or are otherwise affected by the proposed change;
- (8) Contact person, telephone number, and (where applicable) e-mail address for information regarding the advice letter; and

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(9) Such additional description as the pertinent Industry Rules may require.

If an advice letter does not include a complete cover sheet, as indicated above, the reviewing Industry Division may decline to accept the advice letter for filing unless and until the utility submitting the advice letter **submits and serves** the information that is missing or incomplete.

5.6 Advice Letter Contents

The contents of an advice letter shall include additional discussion, as needed, of any aspect of the advice letter summarized in the cover sheet. In addition, an advice letter shall:

- (1) be numbered sequentially, beginning with No. 1 for the first advice letter submitted by the utility for each type of service rendered, followed by a letter designation for the type of service if the pertinent Industry Rules so require;
- (2) attach the tariff sheets (new, revised, or canceled) showing the changes that would be made by the advice letter, and list the numbers and titles of the new tariff sheets (if any) and the numbers of tariff sheets proposed to be canceled (if any). The appropriate Industry Rules may provide for the reviewing Industry Division to assign sheet numbers. A tariff sheet number may not be used more than once;
- (3) state whether any deviations or conflicts would be created, service withdrawn from any present customer, or more or less restrictive conditions imposed;
- (4) if establishing a new service, state the reason for the new service and its impact on other customers and the utility;
- (5) if seeking approval of a contract or other deviation, attach a copy;
- (6) attach analysis and workpapers used to justify the relief sought in the advice letter;
- (7) state what notice was given of the advice letter; and
- (8) attach the service list, or if the list is identical to a list used previously by the utility, cite the number and date of the advice letter or formal application that is the source of the list.

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The Industry Rules may contain additional content requirements. If an advice letter omits any of the contents required by this General Rule or an applicable Industry Rule, the reviewing Industry Division may decline to accept the advice letter for filing unless and until the utility submitting the advice letter submits and serves the contents that are missing or incomplete. In addition, the reviewing Industry Division may require the utility to re-serve the additional contents or the entire advice letter.

6. Process for Handling Information-only Filings

6.1 Filing, Access, Service

Information-only filings shall be submitted to the appropriate Industry Division, and as further provided in the Industry Rules. ~~Each filing will be reported in the Daily Calendar.~~ A table of periodic information-only filings will be maintained at the Commission's Internet site.

Information-only filings are public records, and are open to public inspection, except as provided under General Order 66-C (or the then-current successor to General Order 66-C). Any provision the Commission may make, now or in the future, for electronic notice of, and access to, the Commission's public records shall apply to information-only filings. Information-only filings need not be served, except as otherwise required by statute or Commission order.

6.2 Review

Since information-only filings do not seek relief, they are not subject to protest, as provided for applications and advice letters. The reviewing Industry Division may notify the ~~filer~~utility of any omission or other defect in a filing, and the ~~filer~~utility shall remedy such defect within a reasonable time. A utility that fails to remedy defects or fails to file a required report on time or at all shall be subject to fines and other sanctions.

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7. Process for Handling Advice Letters

7.1 Filing, Access

Advice letters, protests, responses, and replies shall be submitted to the appropriate Industry Division, and as further provided in the Industry Rules. Each such document filing shall indicate a postal address and (where appropriate) a FAX number or e-mail address at which the utility, advice letter filer, protestant, or respondent agrees to receive subsequent documents and notices relevant to the advice letter. Each such document filing will be reported in the Daily Calendar.

Advice letters, protests, responses, and replies are public records, and are open to public inspection, except as provided under General Order 66-C (or the then-current successor to General Order 66-C). Any provision the Commission may make, now or in the future, for electronic notice of, and access to, the Commission's public records shall apply to such documents~~filings~~.

Whenever the appropriate Industry Rules allow and the utility advice letter filer requests that an advice letter be effective pending disposition, the utility filer shall make the full text of the advice letter (including any attachments) electronically accessible by Internet on or before the date that the advice letter is submitted for filing. Except as provided in General Rule 9, Aan advice letter cannot be effective pending disposition if the utility filer requests confidential treatment for any all or part of the advice letter (including workpapers and tariff sheets).

7.2 Service

On or before the date an advice letter is submitted for filing, and unless otherwise directed by Commission order, the utility filer shall serve the advice letter (1) on the Consumer Services Division and the Office of Ratepayer Advocates, ~~(service on these parties to be made by Internet);~~ and (2) on the filer's utility's advice letter service list (see General Rule 4.3) and any other third parties as specified in the appropriate Industry Rules, other Commission order, or statute.

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After the submittal of an advice letter, and pending its disposition, the utility shall promptly provide a copy of the advice letter to anyone so requesting. Such provision shall be without charge to anyone who currently receives service from the utility, or to anyone receiving the advice letter by Internet.

The following additional requirements apply to service of any advice letter that requests a change to a Commission ~~order~~ resolution. (See General Rule 5.1.) The utility submitting filer ~~of~~ such an advice letter shall serve it on ~~all anyone~~ who filed a protest or response to the prior advice letter addressed in the resolution, any third party whose name and interest in the relief sought appeared on the face of that prior advice letter (as where the advice letter sought approval of a contract or deviation for the benefit of such third party), and any other persons that had been served with the ~~Commission order~~ resolution. The advice letter shall specify the ~~Commission order~~ resolution to which a change is requested, and shall set forth the following information:

- (1) The advice letter is subject to Public Utilities Code Section 1708, which states in pertinent part that the Commission may, “upon notice to the parties, and with opportunity to be heard as provided in the case of complaints, rescind, alter, or amend any order or decision made by it.”
- (2) A person wishing to request an evidentiary hearing must file and serve a timely protest to the advice letter. The protestant must expressly request and explain the need for an evidentiary hearing. Such explanation must identify material disputed facts and indicate why a hearing must be held.
- (3) Any right a person may otherwise have to an evidentiary hearing will be waived if that person does not follow the above procedure for requesting one.

~~After the filing of an advice letter, and pending its disposition, the filer shall promptly provide a copy of the advice letter to anyone so requesting. Such provision shall be without charge to anyone who is a current customer for utility services from the filer, or to anyone receiving the advice letter by Internet.~~

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7.3 Effective Date

~~The utility filing an advice letter shall include the requested effective date, as further provided in the Industry Rules. The Industry Rules may provide for implementation of the actions or tariff changes set forth in an advice letter to be effective pending disposition of the advice letter. When an advice letter is effective pending disposition, all service rendered pursuant to the advice letter and prior to disposition will be subject to any Commission order requiring refunds or such other or additional adjustments as may be necessary or appropriate.~~

A utility submitting an advice letter shall include the requested effective date, as further provided in the Industry Rules. Also, the Industry Rules may authorize a utility to designate an advice letter as effective pending disposition of the advice letter.

7.3.1 Effective Date Provided by Statute or by Commission Order Other Than This General Order

If the Commission, by Industry Rule or otherwise, has ordered an advice letter to go into effect on a date different from that otherwise provided by these General Rules, the advice letter shall go into effect on the date ordered. If a statute, Industry Rule, or other Commission order specifically authorizes an advice letter to go into effect on a date different from that otherwise provided by these General Rules, the advice letter shall go into effect on any date (as designated by the utility in the advice letter) that is consistent with the authorization.

7.3.2 Later Effective Date Requested by Utility

Unless the Commission has required an advice letter to go into effect on a date different from that otherwise provided by this General Order, a utility may request an effective date later than that otherwise provided by this General Order, and the advice letter shall go into effect on the date requested by the utility.

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7.3.3 Effective Pending Disposition

Unless an earlier effective date is authorized, or a later effective date required, under the appropriate Industry Rules, an advice letter properly designated as effective pending disposition may be made effective upon submission to the reviewing Industry Division, or as provided under General Rule 7.3.2 or 8.2.3. A utility whose advice letter would qualify under the appropriate Industry Rules to be effective pending disposition may request instead that the advice letter be effective only upon regulatory approval under this General Order.

If an advice letter is effective pending disposition, all service rendered pursuant to the advice letter before disposition will be subject to a Commission order requiring refunds or such other or additional adjustments as the Commission may require.

7.3.4 Effective Date of Advice Letter Submitted for Industry Division Disposition

Except as provided in General Rules 7.3.1 to 7.3.3, if a utility has properly submitted an advice letter for Industry Division disposition, the advice letter will become effective as follows:

- (1) If the advice letter has not been protested and the reviewing Industry Division has not suspended the advice letter by the end of the initial review period (see General Rule 7.5), the advice letter will become effective 30 days after the date of filing.
- (2) If the advice letter is protested or suspended, the advice letter will become effective upon written approval by the reviewing Industry Division or (if an issue requires determination by the Commission) upon adoption by the Commission of a resolution approving the advice letter. (See General Rule 7.5.)

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If an advice letter is improperly submitted for Industry Division disposition, the advice letter will be rejected without prejudice, as provided in General Rule 5.4.

7.3.5 Effective Date of Advice Letter Submitted for Disposition by Resolution

Except as provided in General Rules 7.3.1 and 7.3.2, if a utility has submitted an advice letter for disposition by resolution, the advice letter will become effective when the Commission adopts a resolution approving the advice letter, unless the advice letter may properly be approved by the reviewing Industry Division, in which case the advice letter will become effective upon written approval by that Industry Division. An advice letter submitted for disposition by resolution will not become effective merely by virtue of the expiration of the initial review period or any continuation of the initial or later review period.

7.4 Protests and Responses

Any person may protest or respond to an advice letter. Within 20 days of ~~after the date of filing of that~~ the advice letter, ~~is reported in the Daily Calendar,~~ the protest or response shall be submitted to the appropriate Industry Division and served on the same day on the utility. ~~filing the advice letter.~~ After submitting filing a protest, and pending disposition of the advice letter, the protestant shall promptly provide a copy of the protest to anyone so requesting.

7.4.1 Grounds for Protest

An advice letter may be protested on one or more of the following grounds, or as provided in the Industry Rules:

- (1) The ~~utility advice letter filer~~ designated an incorrect tier of review, or did not properly serve or give notice of the advice letter;
- (2) The relief requested in the advice letter would violate statute or Commission order; or

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- (3) The analysis, calculations, or data ~~other analysis~~ submitted in support of the advice letter contain material errors or omissions.

In addition, an advice letter may be protested on the grounds that the proposed rate, charge, service, condition, or classification is unjust, unreasonable, or discriminatory, except that, as illustrated by the following examples, an advice letter is not subject to protest on these grounds where such protest would require relitigating a prior order of the Commission approving or authorizing such rate, charge, service, condition, or classification.

Example 1. Where the Commission has approved a rate change, an advice letter submitting tariff sheets in compliance with the Commission order approving the rate change is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

Example 2. Where the Commission does not regulate the rates of a specific type of utility, an advice letter submitting a rate change by a utility of the specified type is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

Example 3. Where the Commission has established a rate band within which a utility is free to set rates for a specific type of service, an advice letter submitting a rate change within the band for a service of the specified type is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

In all of the above examples, the advice letters may still be protested on other grounds. E.g., in example 3, if the rate change falls outside the rate band or applies to a service other than of the specified type, the advice letter would violate the Commission order approving the rate change and is subject to protest on that ground.

7.4.2 Replies

The utility submitting an advice letter shall reply to each protest and may reply to any response. Any such reply shall be submitted to the reviewing Industry Division within five business days after the end of the protest period, ~~or response is served~~, and shall be served on the same day on the person making

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the protest or response. ~~If multiple protests or responses to an advice letter are filed, the utility's reply may be to all such protests and responses and may be filed and served within five business days after service of the latest protest or response.~~

7.4.3 Late-Filed Protest or Response

The Industry Divisions may consider a late-filed protest or response. If an Industry Division considers a late-filed protest or response, it ~~will so shall~~ notify the utility, ~~filing the advice letter~~, and the utility shall have five business days from the date of issuance of the notice within which to reply to the late-filed protest or response.

7.5 ~~Revisions to Advice Letters~~Review

~~The advice letter filer may make minor revisions or corrections to the filing at any time before the effective date by filing and serving a supplement or substitute sheet. The filer shall withdraw the advice letter without prejudice (see General Rule 5.4) in order to make major revisions. Supplements, substitute sheets, and withdrawals shall be filed and served in the same manner and on the same persons as was the original advice letter.~~

~~Minor revisions do not automatically extend the protest period or delay the effective date of the advice letter. The reviewing Industry Division, on its own motion or at the request of any person, may issue a notice extending the protest period or delaying the effective date of a revised advice letter. Any protest during the extended period shall be confined to the substance of the revision.~~

The review period for an advice letter begins on ~~the first day after~~ the date of filing of the advice letter. The initial review period for an advice letter is the 30 days (60 days in the case of an advice letter effective pending disposition) immediately following the ~~date~~ of filing. No later than the last day of the initial review period, the reviewing Industry Division will notify ~~in writing~~ the utility and any protestants if disposition of the advice letter will not occur within the initial review period.

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If the advice letter is effective pending disposition, the Industry Division notification will state the reason for extending the review period and the expected duration of the extension, which will not exceed 90 days from the end of the initial review period. By notifying the utility and any protestants in writing no later than the last day of the first extension, the Industry Division may further extend the review period for not more than an additional 180 days.

If the advice letter is not effective pending disposition, the Industry Division notification will suspend the advice letter's effectiveness and will state the reason for the suspension and its expected duration, which will not exceed 120 days from the end of the initial review period. If disposition has not occurred by the end of the first suspension, the Industry Division will further suspend the advice letter's effectiveness for not more than an additional 180 days by notifying the utility and any protestants in writing no later than the last day of the first suspension. The Industry Division will give these notifications even if suspension is automatic pursuant to General Rule 7.6.2.

The Industry Rules governing advice letters by a water utility for recycled water service (see Public Utilities Code Section 455.1) and by an oil pipeline for a rate change (see Public Utilities Code Section 455.3) may provide procedures for review (including suspension) different from those set forth above.

7.5.1 Supplements

~~A supplement to an advice letter may be used to make minor revisions. The following revisions are examples of what commonly, but not necessarily, qualify as minor: a modification in response to a protest; a withdrawal of a pending new service; a language clarification; or a later effective date. The supplement shall bear the same identifying number as the original advice letter but shall have a letter suffix "A" for the first supplement, "B" for the second supplement, etc.~~

A utility may make minor revisions or corrections to its advice letter at any time before the requested effective date by submitting a supplement to the reviewing Industry Division. The utility shall withdraw the advice letter without prejudice in order to make major revisions or corrections. A supplement shall be submitted and served in the same manner and on the same persons as the advice letter, plus any other persons who have submitted a protest or response. A

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supplement shall bear the same identifying number as the advice letter but shall have a letter suffix (“A” for the first supplement, “B” for the second supplement, etc.).

Changes that generally **may** be made by supplement include: a correction of a typographical or other insubstantial error; a modification in response to a protest; a withdrawal of a pending new service; a language clarification; or a later effective date.

The submission of a supplement, or of additional information at the request of the reviewing Industry Division (see General Rule 7.5.2), does not automatically **continue** or reopen the protest period or delay the effective date of the advice letter. The reviewing Industry Division, on its own motion or at the request of any person, may issue a notice **continuing** or reopening the protest period. Any new protest shall be limited to the substance of the supplement or additional information.

7.5.2 ~~Substitute Sheets~~Additional Information

An Industry Division, to assist its review of an advice letter, may request additional information from the utility. The utility shall respond to the request within **five business days unless the Industry Division agrees to a later response**, and the Industry Division may reject the advice letter if the utility does not respond promptly and fully. If the Industry Division, after considering the additional information, determines that material factual issues remain, the Industry Division will reject the advice letter without prejudice pursuant to General Rule 5.4.

~~A substitute sheet may be used to correct minor typographical errors or other insubstantial errors in an advice letter or tariff sheets.~~

7.5.3 Advice Letters Effective Pending Disposition

Where General Rule 8.2.3 or the Industry Rules authorize ~~the filing of a utility to designate~~ an advice letter **as** effective pending disposition, the Industry Rules may establish additional procedures for the utility to submit revisions or corrections prior to disposition when the appropriate Industry Division, during its review of such an advice letter, discovers a defect in the advice letter or the

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tariff changes set forth in the advice letter, provided that the defect is not such as to require rejection of the advice letter. ~~Such procedures may include a penalty of \$500 per day of noncompliance.~~ Whenever a utility fails to submit a timely or satisfactory revision after notice by the Industry Division, as prescribed in the procedures, ~~In addition to the penalty,~~ the Commission may impose a penalty and/or take such other actions as may be appropriate to protect consumers and ensure compliance with law.

A utility that has implemented the actions or tariff changes set forth in an advice letter effective pending disposition shall immediately stop such implementation, and shall commence such remedial action as may be appropriate (including but not limited to the submission of an advice letter setting forth a remedial plan), if the advice letter is rejected pursuant to General Rule 5.4, 7.6.1, or 7.6.2.

7.6 Disposition of Advice Letters

~~An advice letter filer~~ utility shall ~~designate~~ indicate in the advice letter whether the ~~utility filer~~ believes the advice letter ~~it~~ is subject to Industry Division disposition. The utility's ~~designation recommendation~~ is not binding on the reviewing Industry Division.

7.6.1 Industry Division Disposition of Advice Letters

The Commission intends by this rule to make advice letters subject to Industry Division disposition in all instances where the delegation of such authority to the Industry Divisions is lawful.

An advice letter is subject to disposition by the reviewing Industry Division whenever such disposition would be a ministerial act. Industry Division disposition is appropriate where both of the following conditions are met: (1) statutes or Commission orders have authorized the action proposed in the advice letter; and (2) the authorization is sufficiently specific that the Industry Division need not exercise discretion in its review but need only determine, as a technical matter, whether the proposed action is within the scope of what has already been authorized by statute or Commission order. In addition, the Industry Division will reject any advice letter where the advice letter or workpapers are ~~deficient on their face~~ clearly erroneous, including without

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limitation where there are clear inconsistencies with statute or Commission order.

An advice letter will be subject to Industry Division disposition even though its subject matter is technically complex, so long as a technically qualified person could determine objectively whether the proposed action has been authorized by the statutes or Commission orders cited in the advice letter. Whenever such determination requires an exercise of discretion by the reviewer, the disposition of the advice letter will be by Commission resolution, as provided in General Rule 7.6.2.

The Industry Division will review each advice letter submitted to~~filed with~~ it, together with any timely protests, responses, and replies. If the Industry Division, in light of such review, concludes that the advice letter is subject to disposition under this General Rule, the Industry Division will report its disposition in the Daily Calendar at the Commission's Internet Site and, if the advice letter is approved, will return to the utility a complete copy of the advice letter with the effective date stamped on each tariff sheet . ~~A written disposition is not necessary unless the Industry Division rejects the advice letter or grants a protested advice letter, in which instances the Industry Division will also issue a written disposition stating the basis for rejecting the advice letter or the protest. The written disposition will be served on the advice letter filer and on any person filing a protest or response to the advice letter.~~

An advice letter that the utility has properly submitted for Industry Division disposition, pursuant to the applicable Industry Rules, is deemed approved if, at the end of the initial review period, the advice letter has not been protested and the reviewing Industry Division has not extended the initial review period or suspended the advice letter's effectiveness, as provided in General Rule 7.5. Except where an advice letter is deemed approved, the Industry Division will issue a written disposition. Where the Industry Division rejects the advice letter or grants a protested advice letter, the written disposition will state the basis for rejecting the advice letter or the protest. The written disposition will be served on the utility and on any person submitting a protest or response to the advice letter.

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7.6.2 Disposition by Resolution

Except as provided in General Rule ~~5-15.4~~ or 7.6.1, the reviewing Industry Division will prepare and place on the Commission's meeting agenda a proposed resolution approving, ~~or~~ rejecting, or modifying any advice letter ~~filed with~~ submitted to the Industry Division. The proposed resolution will contain the Industry Division's recommended disposition and analysis supporting such disposition. ~~As with decisions issued pursuant to the Commission's expedited complaint procedure, the proposed resolution will not contain separately stated findings of fact or conclusions of law but may set forth a brief summary of the facts.~~

The Commission may adopt the proposed resolution or modify it in whole or in part. After the Commission has acted on the resolution, ~~its action will be reported in the Daily Calendar and the resolution~~ it will be served on the utility, ~~filing the advice letter~~ and on any person submitting ~~filing~~ a protest or response to the advice letter, and on any other party to the resolution. The disposition of the advice letter will be reported at the Commission's Internet Site. If the advice letter is approved, the Industry Division will return to the utility a complete copy of the advice letter with the effective date stamped on each tariff sheet.

An advice letter that has been submitted for disposition by resolution is never deemed approved. Except for an advice letter submitted pursuant to General Rule 8.2.3, the effectiveness of an advice letter submitted for disposition by resolution is suspended automatically until the Commission adopts a resolution approving the advice letter if disposition of the advice letter has not occurred by the end of the initial review period.

7.7 Reconsideration; Appeal

7.7.1 Reconsideration of Industry Division Disposition

The utility ~~submitting~~ submitting ~~and filing the~~ advice letter or any person submitting ~~filing~~ a protest to the advice letter may request reconsideration of a disposition under General Rule 7.6.1. Any other person who has an interest in the advice letter but who could not submit a protest may also request reconsideration. Any such request shall explain why the person is entitled to make the request. The

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reconsideration will be by the Industry Division's Director or ~~(where the pertinent Industry Rules so provide)~~ by the Director's delegate, ~~an individual within the Industry Division, who is delegated by the Industry Division's Director, and who (aside from this reconsideration)~~ The delegate will have had no prior involvement with review of the advice letter, either directly or through supervision of staff.

Any such request for reconsideration shall be submitted to the Industry Division within 10 days after the issuance of the written disposition, and shall be served on the same day. If the requester is the utility, filing the advice letter, it shall serve all persons submitting filing protests or responses to the advice letter. If the requester is a person submitting filing a protest, the requester shall serve the utility and all other persons submitting filing protests or responses to the advice letter. ~~A person filing a response does not have standing to request reconsideration.~~ No late-filed request will be entertained.

Within 10 days after the last day for submitting a request for reconsideration, ~~was served (or in the case of multiple requests, after service of the last filed request)~~, the utility, advice letter filer, any protestant, the Consumer Services Division, or the Office of Ratepayer Advocates may submit file and serve an answer a response to the request. No reply from the requester is allowed.

Within 40 days ~~after of the~~ last day for submitting a date that the request for reconsideration, was filed (or if more than one request is filed, within 40 days of the date that the last request was filed), the Director or the Director's delegate will issue a written decision ruling on reconsideration. The ruling decision will be reported in the Daily Calendar and will be served on the utility filing the advice letter and on any person submitting filing a protest or response to the advice letter.

The utility, filing the advice letter ~~or~~ any person submitting filing a protest, or any person requesting reconsideration to the advice letter may request Commission review of the decision ruling on reconsideration. In addition, any person who has an interest in the advice letter but who could submit neither a protest nor a request for reconsideration may request Commission review. Any such request for Commission review shall explain why the person is entitled to make the request. Any such ~~The~~ request for Commission review shall be

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submitted to the Industry Division within 10 days after the issuance of the ~~decision on reconsideration ruling~~, shall be served in accordance with the procedures in this General Rule applicable to service of a request for reconsideration, and shall set forth specifically the grounds on which the requester considers the ~~decision on reconsideration ruling~~ to be unlawful or erroneous. Upon receipt of a timely request for Commission review, the Industry Division will prepare and place on the Commission's meeting agenda a proposed resolution, and will serve it in accordance with General Rule 7.6.2. Pending Commission action on the proposed resolution as provided in General Rule 7.6.2, the advice letter will take effect if it is approved ~~granted~~ under the ~~decision on reconsideration ruling~~.

7.7.2 ~~Appeal~~ Application for Rehearing of Resolution

Pursuant to Sections 1731 to 1736 of the Public Utilities Code ~~Sections 1731 to 1736~~ and Rules 85 to 86.7 of the Commission's Rules of Practice and Procedure, the utility submitting an filing the advice letter, ~~or~~ any person submitting filing a protest to the advice letter, and any other person who was a party to the resolution may apply for rehearing of a resolution approving or rejecting the advice letter under General Rule 7.6.2. The application for rehearing shall set forth specifically the grounds on which the applicant considers the resolution to be unlawful. ~~A person filing a response does not have standing to apply for rehearing.~~

The application for rehearing shall be submitted to the Commission's Docket Office, which will assign a docket number to the application, and with to the appropriate Industry Division. On the same day that it is submitted, the Service of an application for rehearing shall be served on the same persons who are required to be served with the resolution ~~the same as provided for requests for reconsideration~~ under General Rule 7.6.2. 7.7.1.

7.8. Petition for Modification; Request for Extension

A Commission resolution issued under General Rule 7.6.2 is subject to petition for modification to the same extent and under the same procedures as provided, with respect to Commission decisions, by Rule 47 of the Commission's Rules of Practice and Procedure, except that the procedure for filing and serving a petition for modification of such resolution is the same procedure as that

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provided for an application requests for rehearing reconsideration under General Rule 7.7.2. 7.7.1.

For an extension of time to comply with a Commission resolution addressing an advice letter, the utility that submitted the advice letter shall send a written request to the Executive Director, with copies of the request sent concurrently to the appropriate Industry Division and to all persons on whom the resolution was served. The request, or facsimile of the request, must be received by the Executive Director at least three business days before the date of compliance set in the resolution. If the extension is granted, the utility shall promptly inform all persons on whom the resolution was served of the new date for compliance.

8. Tariffs

8.1 Filing, ~~Maintaining~~, Making Accessible, Revising

At all times, and as further provided in the Industry Rules, each utility shall comply with the following requirements regarding its tariffs then in effect: (1) ~~file-submit~~ them ~~with-to~~ the appropriate Industry Division; ~~(2) maintain them at the utility's offices serving California customers;~~ (32) compile, publish, and make them accessible for public copying and inspection in accordance with General Rules 8.1.1 to 8.1.3; and (43) promptly submit, ~~by advice letter or application,~~ such revisions as are necessary to conform the utility's tariffs to statute or Commission order. These requirements shall apply except where and to the extent that, by statute or Commission order, compliance is expressly excused for the specific utility or type of utility, or for specific services offered by the utility or type of utility.

8.1.1 Publishing Tariffs

The tariff publication requirements in General Rules 8.1.1 to 8.1.3 apply to any utility that serves California customers under tariffs. A utility shall compile and publish the tariffs under which it provides services to California customers. The purpose of compiling and publishing tariffs is to enable members of the public to inspect and get copies of tariffs (including both currently effective and no longer effective tariffs) that may be of interest to them. A utility may not

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require anyone wanting to inspect or copy a tariff to disclose the nature of that person's interest in the tariff.

8.1.2 Internet Publication

The Commission strongly encourages all utilities, and requires certain utilities as described below, to publish and keep up-to-date their respective tariffs, as currently in effect, at sites on the Internet freely accessible to the public.

A utility that serves California customers under tariffs, and whose gross intrastate revenues, as defined in Public Utilities Code Section 435(c) and reported to the Commission, exceed \$10 million, shall publish, and shall thereafter keep up-to-date, its currently effective California tariffs at a site on the Internet. The Internet site shall be accessible, and the tariffs shall be downloadable, at no charge to the public. At all times, the utility shall identify at the site any tariffs that would change as the result of Commission approval of modifications the utility has proposed in a pending application or advice letter. The utility shall update the site within five business days of the effective date of any such approval. The utility shall also provide instructions at the site for getting copies of such pending application or advice letter, and of no longer effective tariffs. If it is difficult to publish at the site the maps or forms in the utility's tariffs, the utility shall provide a means of downloading the maps or forms, or shall provide instructions for getting copies in printed format.

A utility whose gross intrastate revenues, as last reported to the Commission before the adoption of General Order 96-B, exceed \$10 million, shall comply with this Internet publication requirement no later than **October 1, 2001**. Any other utility whose gross intrastate revenues, as reported in the utility's annual report to the Commission after the adoption of General Order 96-B, exceed \$10 million, shall comply with this Internet publication requirement no later than 180 days after the date of the annual report.

8.1.3 Other Publication

A utility that serves California customers under tariffs shall provide a telephone number at which a caller may (1) ask questions regarding the utility's tariffs, (2) order copies of the tariffs, and (3) find out times and places at which the caller may inspect or copy **the tariffs**. The utility shall provide free copies to a

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current customer, and may charge not more than 20 cents per page to any other requester. The utility shall include this telephone number with any bill for a tariffed service. The telephone number shall be toll-free to customers ~~within the utility's service area.~~

A utility that serves California customers under tariffs shall makes its tariffs ~~(including its no longer effective tariffs)~~ available for public inspection or copying at reasonable times and place(s) within its California service area. The reasonableness of the times and place(s) at which tariffs are available will depend on whether the utility publishes its tariffs on the Internet.

8.2 Serving Under Tariffs

8.2.1 Consistency With Tariffs

Except ~~for nontariffed or detariffed service, or a deviation (whether by contract or otherwise), as by~~ authorized by statute, this General Order, or other Commission order, ~~or pursuant to contract or other deviation as provided under the appropriate Industry Rules,~~ a utility shall serve its California customers only at rates and under conditions contained in its tariffs then in effect. Any ambiguity in a tariff provision shall be construed in the way most favorable to the customer, and any representation made by a utility, in advertising or otherwise, with respect to a tariffed service shall be consistent with the terms and conditions of the applicable tariff(s).

8.2.2 Service Options and Alternatives

If a utility provides optional features in conjunction with a particular service, the utility's tariffs shall identify the optional features as such, and shall describe the means by which a customer elects or rejects such features. If a utility provides alternative means of obtaining a particular service, ~~or its functional equivalent, or~~ a choice between different rate plans, the utility's tariffs shall disclose the alternatives available to a customer, and shall describe how the customer selects an alternative.

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8.2.3 Emergency Service; Service to Government Agencies

Under emergency conditions, such as war and natural disasters, a utility that is a telephone corporation as defined in the Public Utilities Code may provide service to a government agency or to the public for free, or at reduced rates and charges, or under terms and conditions otherwise deviating from its tariffs then in effect. The utility may begin such service without prior Commission approval, but the utility shall promptly submit an advice letter to the Telecommunications Division to notify the Commission of the utility's provision of emergency service and of the rates, charges, terms, and conditions under which the service is provided. Although the advice letter may be effective pending disposition, it shall be subject to disposition under General Rule 7.6.2. The Commission may determine, in an appropriate proceeding, the reasonableness of such service.

At all times, a utility other than a telephone corporation may provide service (other than resale service) to a government agency for free, or at reduced rates and charges, or under terms and conditions otherwise deviating from its tariffs then in effect. The utility may begin such service without prior Commission approval, but the utility shall promptly submit an advice letter to the appropriate Industry Division to notify the Commission of the utility's provision of such service and of the rates, charges, terms and conditions under which the service is provided. Although the advice letter may be effective pending disposition, it shall be subject to disposition under General Rule 7.6.2. The Commission may determine, in an appropriate proceeding, the reasonableness of such service.

For the purposes of this General Rule 8.2.3, "government agency" means the United States and its departments, the State of California and its political subdivisions and municipal corporations, including the departments thereof, and public fairs and celebrations.

8.3 Notice to Correct Tariffs

For any tariffs in effect (other than tariffs effective pending disposition), an Industry Division, on the complaint of a utility's customer, the Consumer Services Division, or the Office of Ratepayer Advocates, or on its own motion,

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may issue a notice directing the utility to correct tariffs that the Industry Division believes may violate a statute or Commission order. Such notice to correct will identify the tariffs believed to be in violation, and will explain the basis for the Industry Division's belief.

Within 10 business days of the issuance of the notice to correct, the utility shall submit to the Industry Division either (1) an advice letter proposing corrective action, or (2) an answer explaining why the utility believes the tariffs in question comply with the specified statute or Commission order.

If the utility responds to the notice to correct by submitting an answer, the Industry Division shall either (1) rescind the notice to correct, or (2) affirm the notice to correct, with an explanation of why the Industry Division disagrees with the utility's answer. If the Industry Division affirms the notice to correct, ~~all~~ service rendered pursuant to the tariff in question, at least from the date of issuance of the notice to correct, ~~is~~ may be subject to any subsequent Commission order requiring refunds, together with such other or additional adjustments as may be necessary or appropriate, as in the case of service rendered pursuant to an advice letter effective pending disposition.

8.4 Tariff Format and Sheet Numbering

Tariff sheets shall be 8 ½ inches wide by 11 inches long and of paper stock not less than 16-lb. bond or of equal durability. Tariff sheets shall be printed, typewritten, or otherwise prepared to other process that will provide a durable record. Type size shall be 10 point or larger. Except as provided in the Industry Rules, tariff sheets shall not contain handwritten text, marks, or alterations, and any such handwritten matter shall have no effect. Only one side of a sheet shall be used, and each sheet shall have margins at top and bottom a header and a footer of 1 1/8 inches and a left margin of at least 1 1/8 inches. The Industry Rules may contain additional format requirements, including rules regarding ~~tariff numbering and~~ maintenance of tariffs in electronic media, and may provide illustrative exhibits.

Header. On each sheet, the utility shall provide:

- (1) On the left - The name, address, and CIS number of the utility.

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- (2) On the right - Cal. P.U.C. Schedule and Sheet No., with designation as an original or revised sheet (these spaces may be left blank if the appropriate Industry Rules so provide), together with the Cal. P.U.C. numbers of the sheet being cancelled, if any. If a utility has a single rate schedule, omit the schedule number and only show the sheet number.

Footer. On each sheet, the utility shall provide:

- (1) On the left - Advice Letter No. - the number of the advice letter that is requesting approval of the tariff sheet. Decision No. - the Commission's decision number if the sheet is filed in accordance with a decision; otherwise this space is left blank.
- (2) Center - Name and Title of an individual authorized by the utility to legally obligate it.
- (3) On the right - Date Filed, Effective, and Resolution No. followed by blank spaces to be filled in by the appropriate Industry Division.

When a rate schedule or tariff rule is carried forward from one tariff sheet to another, the bottom and top of the appropriate sheets shall be marked "Continued."

Tariff sheet numbering shall start with 1 for the first sheet in a rate schedule, and the following sheets shall be numbered consecutively in the order in which they are to appear in the schedule. Alternatively, a utility may number its tariff sheets, other than a check sheet, to reflect the section number of the tariff as well as the sheet (e.g., sheets in Section 1 would be numbered 1-1, 1-2, and so on). A utility may not mix the two numbering systems in its tariffs. An original sheet shall be designated as such, and a revised sheet shall be designated by the revision number (e.g., "1st Revised Sheet 1, Cancels Original Sheet 1").

A tariff sheet number may not be used more than once, regardless of whether the tariff sheet to which the number is assigned ever becomes effective. Thus, if a utility modifies a tariff sheet (for example, "1st Revised Sheet 1, Cancels Original Sheet 1") before disposition of the advice letter by which the utility submitted the tariff sheet, the modified tariff sheet must bear a new number (in

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the example, “2nd Revised Sheet 1, Cancels Original Sheet 1”) consistent with this General Rule.

A sheet to be inserted between existing effective sheets shall be designated as an original sheet and shall bear the number of the immediately preceding sheet followed by an alpha or numeric suffix. For example, to insert two new sheets between sheets 44 and 45, the first inserted sheet shall be designated as Original Sheet 44A or 44.1, and the second inserted sheet shall be designated as Original Sheet 44B or 44.2. A utility may not use both kinds of suffix in its tariffs.

Similarly, if the need arises to insert new sheets between Original Sheets 44.1 and 44.2, the first new inserted sheet shall be designated as Original Sheet 44.1.1. If a utility uses numeric suffixes (the preferred system), the utility may use zeros to clarify the sequence of the sheets; thus, the numbering in both of the following examples is acceptable:

44.1, 44.2, . . . 44.9, 44.10, 44.11 and so on;
44.01, 44.02, . . . 44.09, 44.10, 44.11 and so on.

When using numeric suffixes, as illustrated in both examples, the next sheet in sequence after tariff sheet 44.1 (or 44.01) is tariff sheet 44.2 (or tariff sheet 44.02), not tariff sheet 44.11.

The respective Industry Divisions will establish compliance schedules for those utilities that, as of July 1, 2001, do not comply with the requirements of this General Rule regarding tariff sheet numbering. Such utilities shall renumber their tariff sheets by compliance advice letter submitted in accordance with the applicable schedule. An Industry Division may excuse compliance with this numbering system by a small utility or by a utility required to file tariffs in accordance with a federal tariff sheet numbering system that is incompatible with the numbering system under this General Rule.

8.5 Tariff Contents

Each utility's tariffs shall include the following contents, arranged in the sequence ~~order~~ set forth in General Rules 8.5.1 to 8.5.8 below. The Industry Rules may require additional contents, as appropriate.

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8.5.1 Title Page

The cover page of each utility's tariffs shall be a title page showing the utility's name (and any other fictitious business names), mailing address, and types of utility service provided and territory served. If the utility's tariffs are in multiple volumes, each volume shall contain a title page with the above information and a unique identifier for that volume.

8.5.2 Table of Contents; **Check Sheets**

At the beginning of the tariffs, a table of contents shall list all tariff **subject headings** titles and page numbers of currently effective tariff sheets in the order in which the tariff sheets appear in the utility's compilation of its tariffs, book. Each rate schedule and each volume of tariffs shall include a check sheet, which shall show the currently effective tariff sheets, by page and revision number, within the schedule or volume. The Industry Rules may require additional or alternative methods for listing currently effective tariff sheets.

8.5.3 Preliminary Statement and Explanation of Symbols

The preliminary statement shall ~~briefly~~ describe or explain: the territory served; the types and classes of service rendered; the general conditions under which services are rendered; the memorandum accounts, balancing accounts, and adjustment clauses that might affect the utility's rates; and other tariff provisions that do not appear in the tariff rules or rate schedules. The preliminary statement shall also define technical terms used in the tariffs, and shall explain the symbols used to identify tariff changes (see Public Utilities Code Section 491) as follows:

- (C) To signify changed listing, rule, or condition which may affect a rates, charges, terms, or conditions;
- (D) To signify discontinued material, including a listing, rate, charge, rule, or condition;
- (I) To signify a rate or charge increase;

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- (L) To signify material relocated to another part of tariff schedules with no change in text, ~~rate, rule, or condition~~;
- (N) To signify new material including a listing, rate, charge, rule, or condition;
- (P) To signify material subject to change under a pending application or advice letter;
- (R) To signify a rate or charge reduction; ~~and~~
- (T) To signify textual change ~~in wording of text that does but~~ not affect a change in rate, ~~rule, charge, term,~~ or condition; and
- (X) To signify corrections.

8.5.4 Service Area ~~Map~~

~~Each utility's tariffs shall include a map or maps clearly indicating the boundaries of the utility's service area and the general location of the service area in relation to nearby cities, highways, or other well-known reference points. The scale of such maps shall be adequate to make them easily readable and to enable the relation between the boundaries and the references to appear clearly on their face.~~

~~If a utility serves the entire state, a statement of this fact shall be provided instead of a service area map.~~

A utility authorized to serve the entire state shall include in its tariffs a statement of that fact. A utility authorized to serve part of the state shall include in its tariffs:

- (1) A map or maps showing the boundaries of the utility's service area and the location of the service area in relation to nearby cities, highways, or other reasonable reference points; and
- (2) A verbal description of the utility's service area using legal description, zip codes, Geographical Information System data, and/or other

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reasonable means for precisely specifying the boundaries of the service area.

The service area map or maps and verbal description shall be kept current and shall be appropriate in scale and detail to enable determination of whether specific real property is within the utility's service area. The Industry Rules may contain additional requirements regarding maps and verbal descriptions, and the reviewing Industry Division may require revisions to the maps, or further specification of the boundaries, in order to eliminate ambiguity regarding the utility's service area.

8.5.5 Rate Schedules

Each utility's tariffs shall set forth all of its rate schedules, including for each schedule the schedule number or other designation, the schedule title (e.g., general or residential), the requirements to obtain service, the rates and charges (in tables if possible), and any special conditions, limitations, qualifications, or restrictions specific to the service or rates under the schedule. Amounts subject to refund, contingent charges, and offset surcharges are examples of such special conditions.

8.5.6 List of Contracts and Other Deviations

Except and to the extent excused by statute or Industry Rule or other Commission order, each utility's shall compile and publish in its tariffs ~~shall contain~~ a list of all contracts and other deviations under which the utility provides service at rates or under conditions other than those contained in its tariffs then in effect. For each such contract or other deviation, the list shall state: the name and location of the customer; the type or class of service; dates of execution and expiration; the date and number of the Commission order authorizing the contract or other deviation; and the utility's most comparable rate schedule, together with a summary of how the contract or other deviation differs from that schedule.

If a utility has no such contract or other deviation then in effect, a statement of this fact shall be provided instead of this list.

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8.5.7 Tariff Rules

Each utility's tariffs shall separately state those rules regarding its rates, charges, and services that are not fully set forth in its rate schedules. Each such tariff rule shall have a number, and a descriptive title, ~~Each such tariff rule shall have and~~ its own sheet or series of sheets. The following subjects, and other subjects as appropriate, shall be covered by tariff rule:

- (1) *Definitions* - Clear and concise definitions of the principal terms used in the tariffs.
- (2) *Description of Service* - Description of types of service rendered and standards of service maintained.
- (3) *Application for Service* - procedure to obtain service.
- (4) *Contracts* - When a contract will be required for service.
- (5) *Special Information Required on Forms* - Notices to customers required to appear on contracts, bills, and deposit receipts.
- (6) *Establishment and Re-establishment of Credit* - Procedure to establish credit and to re-establish credit.
- (7) *Deposits* -- When Required, ~~for various purposes and classes of service,~~ conditions precedent to return, ~~of deposits,~~ interest paid.
- (8) *Notices* - Methods of providing notice.
- (9) *Issuance and Payment of Bills* - Methods of issuing bills, billing periods, due dates, methods of payment.
- (10) *Disputed Bills* - Methods of adjustment, deposit of disputed amount ~~may be deposited~~ with Commission, time limits for actions.

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- (11) *Discontinuance and Restoration of Service* - Reasons for discontinuance, notification, time limits for actions, procedure for restoration of service, charges.
- (12) *Information on Services and Promotional Offerings* - How to get information on services (including types of services, rate plans, conditions on eligibility, other terms and conditions) and promotional offerings available from the utility. Rule shall include office hours, telephone number, and (if applicable) e-mail address for contacting utility with requests for such information.
- (13) *Temporary Service* - Conditions to providing temporary service or service to speculative projects.
- (14) *Continuity of Service* - Interruption of delivery of service, notice to customers, apportionment of available service.
- (15) *Extensions of Lines or Mains* - Free extensions, extensions beyond free length, conditions ~~of~~ regarding contributions or advances to individuals or developers, deposits, refunds, ownership, maintenance.
- (16) *Facilities on Customers' Premises and Service Connections* - Unless additional persons authorized, only Utility employees to make service connections, ~~no others unless authorized~~; right of access to customers' premises.

The Industry Rules may specify additional subjects to be covered by tariff rules of utilities within the respective industries. Subjects having special significance to particular utilities shall be covered either by inclusion in the tariff rules described above or by additional numbered tariff rules specifically addressing those subjects.

8.5.8 Sample Forms

Each utility's tariffs shall contain sample copies of printed forms, such as applications for service, regular bills for service, contract forms, delinquency notices, disconnect notices, connection fee data, forms, ~~forms~~, deposit receipts, and all

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other forms ~~that are normally used~~ of concern to customers in connection with the utility's services. Such sample copies may contain data for illustrative purposes. Each sample copy shall be printed on a regularly numbered tariff sheet showing the name of the form. For purposes of this General Rule, and except where prohibited by statute or Commission order, utilities may use forms developed by government agencies.

9. Confidential Treatment

In general, any information submitted in support of or opposition to the relief requested in an advice letter will either be open to public inspection or will already be subject to confidential treatment pursuant to nondisclosure agreements and a protective order issued in a formal proceeding. Because matters governed by this General Order are informal, it is rarely appropriate to seek confidential treatment of information submitted in the first instance in the advice letter process. In any event, confidential treatment may be requested only for the kinds of information for which such treatment is already authorized by statute or Commission order. Also, neither the cover sheet of an advice letter, nor any of the information in the cover sheet, nor any of the proposed tariff sheets included as part of the advice letter may be kept confidential. Consistent with the above requirements, ~~In no event can an advice letter be effective pending disposition if the filer requests confidential treatment for all or part of the advice letter.~~ A utility may request confidential treatment for part of an advice letter; however, a utility may request confidential treatment for part of an advice letter that is effective pending disposition only if the utility concurrently provides access to the entire advice letter to those persons on its advice letter service list who have executed a reasonable nondisclosure agreement for purposes of advice letter review.

Whenever a person submitting a document ~~making a filing~~ (other than an application for rehearing) under this General Order wants the Commission to keep the entire document filing under seal, or in redacted and unredacted versions, that person ~~the filer~~ shall submit to the reviewing Industry Division a written request for such confidential treatment. Any such request shall be served together with a redacted version of the document filing to which the request relates. The request shall either (1) attach a copy of the protective order that applies to the information for which confidential treatment is sought, or (2) explain why it is appropriate to accord confidential treatment to the

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information in the first instance in the advice letter process. In the latter case, the request shall attach a proposed protective order. In either case, the request shall be narrowly drawn, shall identify the text and the information within the [document filing](#) for which confidential treatment is sought, and shall specify the grounds, as set forth in General Order 66-C (or the then-current successor to General Order 66-C), justifying such treatment.

Any person may object to the requested confidential treatment, and shall meet and confer with the [requester filer](#) to resolve such objections informally whenever possible. When such objections are not so resolved, the Industry Division will refer the request to the Administrative Law Judge Division. Confidential treatment shall be accorded pending a ruling on the request; however, the Industry Division, in appropriate circumstances, may issue a notice delaying the effective date of the advice letter pending the ruling.

~~10. Customer Request for Deviation~~

~~An Industry Division, in its Industry Rules, may provide an informal procedure for a utility customer to request a deviation from that utility's tariffs. The procedure will include provisions for filing and service of such a request, utility response and reply to the response, disposition of the request, and appeal from the disposition. For the purpose of this procedure, "utility customer" may include a prospective customer or a developer acting on behalf of prospective customers.~~

(END OF APPENDIX A)